

DANIEL J. BRODERICK, #89424
Federal Defender
DAVID M. PORTER, Bar #127024
Counsel Designated for Service
Assistant Federal Defender
801 I Street, 3rd Floor
Sacramento, California 95814
Telephone: (916) 498-5700

Attorney for Defendant
ROLANDO MEDINA

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	No. Cr. S 03-549 EJG
)	
Plaintiff,)	STIPULATION TO REDUCE SENTENCE
)	PURSUANT TO 18 U.S.C. § 3582(c) (2)
v.)	
)	<u>RETROACTIVE CRACK COCAINE</u>
ROLANDO MEDINA,)	<u>REDUCTION CASE</u>
)	
Defendant.)	Date: Friday, May 23, 2008
)	Time: 10:00 a.m.
)	Judge: Hon. EDWARD J. GARCIA.

Defendant, ROLANDO MEDINA, by and through his attorney, Assistant Federal Defender David M. Porter, and plaintiff, UNITED STATES OF AMERICA, by and through its counsel, Assistant U.S. Attorney RICHARD J. BENDER, hereby stipulate as follows:

1. Pursuant to 18 U.S.C. § 3582(c) (2), this court may reduce the term of imprisonment in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. § 994(o);

2. On April 8, 2005, this Court sentenced Mr. Medina to a term of imprisonment of 151 months;

3. The sentencing range applicable to Mr. Medina was

subsequently lowered by the United States Sentencing Commission in Amendment 706 by two levels;

4. Mr. Medina's adjusted offense level has been reduced from 34 to 32, and a sentence at the low end of the new guideline range is 121 months;

5. Accordingly, the parties request the court enter the order lodged herewith reducing Mr. Medina's term of imprisonment to an aggregate term of 121 months on all counts.

Dated: May 5, 2008

Respectfully submitted,

McGREGOR SCOTT
United States Attorney

DANIEL J. BRODERICK
Federal Defender

/s/ Richard J. Bender

/s/ David M. Porter

RICHARD J. BENDER
Assistant U.S. Attorney

DAVID M. PORTER
Assistant Federal Defender

Attorney for Plaintiff
UNITED STATES OF AMERICA

Attorney for Movant
ROLANDO MEDINA

ORDER

This matter came before the Court on the motion of the defendant for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2) filed on January 14, 2008. The motion was set for hearing on May 23, 2008, but because the parties have stipulated to the resolution, the matter is taken off calendar.

On April 8, 2005, this Court sentenced Mr. Medina to a term of imprisonment of 151 months. The parties agree, and the Court finds, that Mr. Medina is entitled to the benefit of the retroactive amendment reducing crack cocaine penalties, which reduces the applicable offense

STIPULATION and ORDER REDUCING SENTENCE

1 level from 34 to 32.

2 IT IS HEREBY ORDERED that the term of imprisonment originally
3 imposed is reduced to an aggregate term of 121 months on all counts;

4 IT IS FURTHER ORDERED that all other terms and provisions of the
5 original judgment remain in effect.

6 Unless otherwise ordered, Mr. Medina shall report to the United
7 States Probation office closest to the release destination within
8 seventy-two hours after his release.

9 Dated: May 13, 2008

10
11 /s/ Edward J. Garcia
12 HONORABLE EDWARD J. GARCIA
13 United States District Judge
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28